

## 1 UNITED STATES DISTRICT COURT

## 2 DISTRICT OF NEVADA

3 RICHARD JOHNSTON,

Case No. 3:22-cv-00080-MMD-CSD

4 Plaintiff,

ORDER

5 v.

6 DR. MARTIN NAUGHTON,

7 Defendant.

9 This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by  
10 a state prisoner. Plaintiff paid the full filing fee in this matter. (ECF No. 6.) The Court  
11 entered a screening order on February 28, 2022. (ECF No. 7.) The screening order  
12 imposed a stay, and the Court entered a subsequent order in which the parties were  
13 assigned to mediation by a court-appointed mediator. (ECF Nos. 7, 20.) The parties  
14 participated in a mediation conference, as well as a follow-up status conference, but the  
15 parties did not reach a settlement. (ECF Nos. 24, 27.)

16 For the foregoing reasons, **IT IS ORDERED** that:

17 1. The Clerk of the Court shall electronically **SERVE** a copy of this order and  
18 a copy of Plaintiff's complaint (ECF No. 8) on the Office of the Attorney General of the  
19 State of Nevada, by adding the Attorney General of the State of Nevada to the docket  
20 sheet. This does not indicate acceptance of service.

21 2. Service must be perfected within ninety (90) days from the date of this order  
22 pursuant to Fed. R. Civ. P. 4(m).

23 3. Subject to the findings of the screening order (ECF No. 7), within **twenty-**  
24 **one (21) days** of the date of entry of this order, the Attorney General's Office shall file a  
25 notice advising the Court and Plaintiff of: (a) the names of the defendants for whom it  
26 accepts service; (b) the names of the defendants for whom it does not accept service,  
27 and (c) the names of the defendants for whom it is filing the last-known-address  
28 information under seal. As to any of the named defendants for whom the Attorney

1 General's Office cannot accept service, the Office shall file, *under seal*, but shall not serve  
2 the inmate Plaintiff the last known address(es) of those defendant(s) for whom it has such  
3 information. If the last known address of the defendant(s) is a post office box, the Attorney  
4 General's Office shall attempt to obtain and provide the last known physical address(es).

5 4. If service cannot be accepted for any of the named defendant(s), Plaintiff  
6 shall file a motion identifying the unserved defendant(s), requesting issuance of a  
7 summons, and specifying a full name and address for the defendant(s). For the  
8 defendant(s) as to which the Attorney General has not provided last-known-address  
9 information, Plaintiff shall provide the full name and address for the defendant(s).

10 5. If the Attorney General accepts service of process for any named  
11 defendant(s), such defendant(s) shall file and serve an answer or other response to the  
12 complaint (ECF No. 8) within **sixty (60) days** from the date of this order.

13 6. Plaintiff shall serve upon defendant(s) or, if an appearance has been  
14 entered by counsel, upon their attorney(s), a copy of every pleading, motion or other  
15 document submitted for consideration by the Court. If Plaintiff electronically files a  
16 document with the Court's electronic-filing system, no certificate of service is required.  
17 Fed. R. Civ. P. 5(d)(1)(B); Nev. Loc. R. IC 4-1(b); Nev. Loc. R. 5-1. However, if Plaintiff  
18 mails the document to the Court, Plaintiff shall include with the original document  
19 submitted for filing a certificate stating the date that a true and correct copy of the  
20 document was mailed to the defendants or counsel for the defendants. If counsel has  
21 entered a notice of appearance, Plaintiff shall direct service to the individual attorney  
22 named in the notice of appearance, at the physical or electronic address stated therein.  
23 The Court may disregard any document received by a district judge or magistrate judge  
24 which has not been filed with the Clerk, and any document received by a district judge,  
25 magistrate judge, or the Clerk which fails to include a certificate showing proper service  
26 when required.

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1       7. This case is no longer stayed.  
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3       DATED: June 15, 2022.

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CSO  
UNITED STATES MAGISTRATE JUDGE